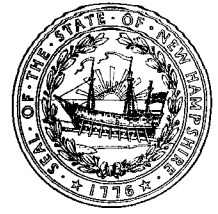




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WD -WQE 05-02**

April 4, 2005

Joseph A. Austin
16 B Trap Road
Chichester, New Hampshire 03234

Re: Site Specific Permit WPS-6884
Austin Development (AKA White Birches) in Chichester, New Hampshire

Dear Mr. Austin:

On April 4, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Chichester Tax Map 3, Lot 68B (the "Property"). The purpose of the inspection was to determine compliance with RSA 485-A:17 and applicable rules promulgated pursuant thereto.

During the inspection the following deficiencies were documented:

1. The construction sequence approved under Site Specific Permit WPS-6884 (the "Permit") has not been followed. Specifically:
 - a. All temporary sediment and erosion control devices have not been installed;
 - b. Sediment barriers, such as silt fence, have not been properly installed nor maintained;
 - c. Soils have been disturbed for more than 45 days and have not been stabilized in accordance with the approved plans; and
 - d. Runoff has been directed to ditches and swales before they have been stabilized.
2. The construction notes approved under the Permit have not been followed. Specifically:
 - a. Stone check dams are not in place in the ditches and swales;
 - b. Erosion control measures have not been employed in accordance with "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire";
 - c. All areas have not been stabilized throughout the winter months.

3. Soil erosion was observed in the following locations:
 - a. The entire ditch on the eastern side of the proposed road;
 - b. Around drop inlet #1, such that the offsite flow does not flow to the drop inlet as permitted;
 - c. At the inlet of FES#5;
 - d. At the outlet of HW#1, such that the flow is being directed to the wetland rather than to treatment swale #2 as permitted;
 - e. On the side slopes located on the eastern side of the proposed roadway; and
 - f. On the proposed roadway sub-grade near the existing shed.
4. Sediment accumulations were observed in the following locations:
 - a. Behind all four rows of the silt fence located at the outlet of FES #2;
 - b. At the downstream end of the fourth row of silt fence located at the outlet of FES #2;
 - c. In the entire ditch along the eastern side of the proposed road;
 - d. At the outlet of FES #6; and
 - e. In the wetland downstream of FES #6.

DES believes the deficiencies can be corrected by completing the following items by **April 16th, 2005:**

1. Clean out sediment behind all silt fence. Ensure that no further erosion takes place during this practice. This may entail cleaning out these areas by hand if it is not accessible with machinery;
2. Replace or fix any silt fence that was not properly installed. See approved plans under the Permit for proper installation details or the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire"; Any future erosion control barriers placed in wetlands shall be manufactured bark mulch silt socks in order to limit further damage to the wetlands;
3. Clean out all sediment in jurisdictional wetlands which are not covered under the current wetlands permit;
4. Place erosion control fabric in all ditches and swales. See approved plans under the Permit for proper installation details;
5. Place temporary check dams in all ditches and swales. See approved plans for proper installation details;
6. Install sediment control barriers at all drop inlets. See approved plans under the Permit for proper installation details;
7. Once the area downstream of FES #6 is cleaned out and stabilized with the approved riprap apron, direct offsite flow near FES #5 to this area, as permitted.
8. Stabilize the roadway by placing 3" of gravel on top of the roadway; and

9. Notify DES at 271 - 2973 as soon as the above listed work is completed.

Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A:17 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against the Property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Amy C Clark, PE
Site Specific Program
Department of Environmental Services
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Amy C Clark at 271-2973.

Sincerely,



Amy C Clark, P.E.
Land Resources Management Program

CERTIFIED MAIL: 7099 3400 0003 0687 9799

cc: Gretchen R. Hamel, DES Legal Unit Administrator
Jocelyn Degler, DES Wetland Bureau
Chichester Planning Board